

MINUTESPLAINTIFF'S
EXHIBIT**175**

**WALLER COUNTY COMMISSIONER'S COURT
REGULAR SESSION
WEDNESDAY – AUGUST 12, 2020**

BE IT REMEMBERED that the Honorable Commissioner's Court of Waller County, Texas, met in **REGULAR SESSION** on Wednesday, the 12th day of August 2020 at its meeting place in the Commissioners Courtroom of the Waller County Courthouse, Hempstead, Texas. The meeting was called to order by Waller County Judge Trey Duhon at 9:00 a.m. with the following members of the Court present to-wit:

Carbett "Trey" J. Duhon III, County Judge
John A. Amsler, Commissioner Precinct 1
Walter Smith, Commissioner Precinct 2
Justin Beckendorff, Commissioner Precinct 4
Debbie Hollan, County Clerk
Absent: Jeron Barnett, Commissioner Precinct 3

Delivery of Invocation by: Commissioner Amsler
Pledge to the American Flag and Texas Flag led by: Commissioner Beckendorff

1. **Approval of Agenda.**

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

PUBLIC COMMENT – None

To slow the spread of COVID-19, the public may make public comment at the beginning of the meeting by teleconference. **Local callers should call 979-921-6212.** Non-local callers should call 800-576-1131. The user code for both numbers is **14329937**. Callers will be asked if they would like to make public comment. After public comment, the teleconference line will be closed. The public may continue to watch the meeting streamed online at <http://wallercountytexas.swagit.com/live>.

CONSENT AGENDA

Items identified within the consent agenda are of a routine nature, and will be passed with one vote without being discussed separately. If a member of the court or public requests that a particular item be discussed, that agenda item will be pulled from the Consent Agenda and discussed as part of the regular agenda at the appropriate time. One vote will approve the remaining items on the Consent Agenda.

2. **Approval of the minutes** – August 5, 2020 Regular Session
3. **Request by County Treasurer for approval of Payroll.**
4. **Request to approve payment on the following:**
 - (a) \$300.00 for Invoice # 27291 to Metro Container LLC from line item 600-600-587521 [Library].
 - (b) \$85.00 for invoice # 20547408 [Courthouse, Hold-Up Alarm], and \$995.00 for invoice #20112408 [Courthouse Camera Surveillance], for a total \$1,080.00 payable to TAC Security from line item 117-428-568425 [Courthouse Security/Misc. Security].

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(c) \$1,190.00 for invoice dated August 3, 2020 to Schmidt Funeral Home from line item 125-423-540705 [Transport to Morgue].

(d) \$1,195.00 for invoice dated August 4, 2020 to Magnolia Funeral Home, Inc. from line item 125-423-540705 [Transport to Morgue].

(e) \$460.00 to Midmark Corporation from line item 601-601-581000 [Bldg. Purch. Const. or Improv.].

5. Request by County Auditor for approval and/or ratification of Accounts Payable.
6. Request by County Engineer to approve a Utility Permit for Consolidated Communications, to install fiber optic cable within the right-of-way of Schlipf Road.
7. Request by County Engineer to approve the advertising for the installation of One (1) Stop Sign on the following road:

- Shady Oak Drive at the Intersection of Forest Circle

Advertising to be posted in a newspaper of general circulation, payment for advertising to be funded from line item 125-401-544100 [Bid Notices and Printing], followed by a public hearing during regular session of Commissioners' Court on September 9, 2020.

8. Request by County Engineer to advertise for Competitive Bids for Pavement Markings and Reflective Pavement Markers at various locations in Waller County. Advertising to be posted in the newspaper of general circulation and payment for advertising to be funded from line item 125-401-544100 [Bid Notices and Printing].
9. Request by County Engineer to approve the advertising for Requests for Proposals (RFPs) for Administrative Services and Requests for Qualifications (RFQs) for Engineering Services related to the Texas General Land Office CDBG-MIT funding program.
10. Request by County Engineer to approve the advertising for Requests for Proposals (RFPs) for On-Call Drainage Review Services.
11. Request by County Engineer approve a Resolution as related to the County Transportation Infrastructure Grant Program (CTIF).
12. Request by County Engineer to approve County Transportation Infrastructure Grant Program (CTIF) Fund Grant Agreement.
13. Request by County Engineer to approve payment of \$46,083.37 to the Texas Division Emergency Management for the de-obligation of funding received for DR 4332 (Hurricane Harvey), Project #834-McAllister Culvert.

Motion to approve consent agenda by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

AUDITOR

14. **Presentation** of 2019 Financial Audit for Waller County, by outside Auditor, Lewis Crain of Rutledge Crain and Company. *No action required.*

15. Discuss and take action to approve the 2019 Financial Audit for Waller County.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

16. Discuss and take action to approve Elections Department line item budget transfer, WC 2020-37.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

17. Discuss and take action to approve Sheriff Department line item budget transfer, WC 2020-38.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

COUNTY JUDGE

18. Discuss and take appropriate action regarding the 2020 tax rate.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Commissioner Beckendorff moved that the Waller County Commissioners Court propose to adopt a total tax rate of \$.616662 cents per \$100 valuation, the same rate being a combined of rate for the Waller County General Fund rate of \$.519603 per \$100 valuation and the Farm to Market Flood Control rate at \$.029517 and to the Debt Service Fund rate of \$.067542 and to schedule the Public Hearing for the 2020 tax rate on August 26, 2020 at 9:00 a.m. at the Waller County Courthouse in Hempstead, Texas, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Judge Duhon announced the meeting to adopt the tax rate will be held on August 26, 2020 at 9:00 a.m. at the Waller County Courthouse in Hempstead, Texas.

19. Discuss and take action to authorize the County Judge to publish the Notice of 2020 Tax Year Proposed Tax Rate for Waller County in the Katy Times, Waller Times, Hot Line Press, The Waller County Express and on the County website to be paid from line item 125-401-544100 [Bid Notices & Printing].

Judge Duhon made motion to discuss and take action to authorize the County Judge to publish the Notice of the 2020 Tax Year Proposed Tax Rate for Waller County in the Katy Times, Waller Times, Hot Line Press, The Waller County Express and on the County website to be paid from line item 125-401-544100 [Bid Notices & Printing] and that notice is to be printed in the form as prescribed by the Texas Comptroller's office, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

20. Discuss and take action to authorize the County Judge to publish the Notice of Budget Hearing in the Katy Times, Waller Times, Hot Line Press, and The Waller County Express and on the County website. Funds to be paid from line item 125-401-544100 [Bid Notices & Printing].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

21. Discuss and take action to authorize the County Judge to publish the Notice of Salary Increases for Elected Officials in the Katy Times, Waller Times, Hot Line Press, The Waller County Express, the County website. Funds to be paid from line item 125-401-544100 [Bid Notices & Printing].

Judge Duhon made motion to discuss and take action to authorize the County Judge to publish the Notice of Salary Increases for Elected Officials in the Katy Times, Waller Times, Hot Line Press, The Waller County Express, **and the Brenham Banner**, and on the County website. Funds to be paid from line item 125-401-544100 [Bid Notices & Printing], seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

22. Discuss and take action to set salaries, expenses, and other allowances of all elected county and precinct officers.

Commissioner Beckendorff made motion to discuss and take action to propose salaries, expenses, and other allowances of all elected county officials and precinct officers, seconded by Commissioner Smith.

Commissioner Beckendorff made motion to amend #22 as worded, Commissioner Smith seconded.

Amendment carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Amended Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

ELECTION ADMINISTRATOR

23. ~~Discuss and take action to approve Election Judges and Alternate Election Judges for the 2020 General Election as submitted by the Waller County Republican Chair and the Waller County Democratic Chair. Item WITHDRAWN~~
24. ~~Discuss and take action to approve Order for the November 3, 2020 General Election. Item WITHDRAWN.~~

FIRE MARSHAL

25. Discuss and take action on Burn Ban.

Commissioner Smith made motion to institute a Burn Ban, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote. **Burn Ban in effect.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

26. Discuss and take action to approve agreement with Access Health for COVID-19 testing services.

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Commissioner Beckendorff made motion to table, seconded by Commissioner Smith.

Motion carried by 4-0 vote. **Item TABLED.**

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

COUNTY ENGINEER

27. **Public Hearing:** on the installation of “No Thru Trucks” signs on the following road:

- Wade Road – No Thru Trucks

Public Hearing began at 10:29 a.m.

No public comments received.

(Discussion held between Yancy Scott, County Engineer and Commissioners Court)

Public Hearing ended at 10:31 a.m.

28. Discuss and take action to install “No Thru Trucks” signs on the following road:

- Wade Road – No Thru Trucks

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

29. ~~Discuss and take action to approve proposal for surveying services with WGA related to the expansion of Woods Rd. south of IH 10.~~ **Item WITHDRAWN.**

CONSTRUCTION MANAGER

30. Discuss and take action to approve payment of \$505,520.88 for Application No. 23 to Sedalco, Inc. from line item 601-601-581000 [Bldg. Purch. Const. or Improv.].

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

MISCELLANEOUS

31. Discuss and take action to approve payment of \$513,217.65 payable to Amazon for Reporting Period January 1, 2019 to December 31, 2019 from line item 125-411-561315 [Amazon 381 Agreement].

Motion made by Commissioner Smith, seconded by Commissioner Beckendorff.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

32. Discuss and take action to approve Agreement between Waller County and Fort Bend Seniors Meals on Wheels and payment of \$40,000.00 for invoice # 3979 from line item 125-411-547315 [Ft. Bend Seniors Meals on Wheels] as allocated in the 2020 Budget.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.
Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

33. Discuss and take action to approve Resolution Authorizing County Grant Program for the Texas Department of Agriculture Home-Delivered Meal Grant Program for 2021.

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

34. Discuss and take action to approve the publication of the public hearing notice for the Amended Resolution for 911 Rural Addressing Standards in a newspaper of general circulation followed by a public hearing during regular session of Commissioners Court on September 2, 2020. Advertising to be paid from line item 125-401-544100 [Bid Notices and Printing].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

35. Discuss and take action to approve payment of \$13,897.50 to Bickerstaff Heath Delgado Acosta LLP from line item 125-411-540300 [Legal].

Motion made by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

36. ~~Discuss and take action to distribute CARES Act funds to local school districts for COVID-19 needs. Item WITHDRAWN.~~

37. Discuss and take action to amend County policies in relation to COVID-19.
No action taken.

Advanced to Executive Session

EXECUTIVE SESSION

39. Deliberate and appointment of a County Sheriff pursuant to Government Code Section 551.074.

40. Consultation with District Attorney and outside counsel pursuant to Government Code Section 551.071.

Court convened to Executive Session at 11:21 a.m.

Court reconvened from Executive Session 12:34 p.m.

41. Reconvene in Open Session to take any action necessary on matters discussed in Executive Session.

Court returned to Agenda Item #38

38. Discuss and take action to appoint a County Sheriff.

Judge Duhon made motion to appoint Joe Hester, current Deputy Chief to serve as Waller County Sheriff for the remainder of Sheriff Smith's term, seconded by Commissioner Amsler.

Motion carried by 4-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

(Joe Hester was sworn in as Waller County Sheriff by Judge Duhon)

ADJOURN MEETING

Motion to **adjourn** meeting by Commissioner Beckendorff, seconded by Commissioner Smith.

Motion carried by 5-0 vote.

Judge Trey Duhon – Yes

Commissioner Amsler – Yes

Commissioner Smith – Yes

Commissioner Barnett – Absent

Commissioner Beckendorff – Yes

Meeting was **ADJOURNED** at 12:40 a.m.

I **ATTEST** that the above proceedings are the true and correct minutes taken in my capacity as
Ex-Officio for the Commissioners' Court of Waller County.



Debbie Hollan
Debbie Hollan
Waller County Clerk

APPROVED this the 19th day of August 2020.

Trey Duhon
Carbett "Trey" J. Duhon, III
County Judge